

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF IOWA

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

PRADEEP SARSWAT, M.D., RESPONDENT

No. 02-01-1532

STATEMENT OF CHARGES,

**SETTLEMENT AGREEMENT and FINAL ORDER
(combined)**

COMES NOW the Iowa Board of Medical Examiners (the Board), and
Pradeep Sarawat, M.D. (Respondent), on April 4, 2002, and pursuant
to Iowa Code sections 17A.10(2) and 272C.3(4), enter into the following combined
Statement of Charges, Settlement Agreement and Final Order.

STATEMENT OF CHARGES

1. Respondent was issued license number 21228 to practice medicine and surgery
in Iowa on July 27, 1978.
2. Respondent's Iowa medical license is active and will next expire on January 1,
2004.
3. The Board has jurisdiction of the parties and the subject matter.

COUNT I

4. Respondent is charged under Iowa Code sections 147.55(4) and 148.6(2)(h) (2001) and 653 IAC sections 12.4(4) and (5) with habitual intoxication or addiction to the use of drugs and the inability to practice medicine and surgery with reasonable skill and safety due to the excessive use of drugs or alcohol.

CIRCUMSTANCES

5. On July 20, 1989, Respondent was charged by the Board with engaging in the practice of medicine while impaired due to the excessive use of drugs or other chemicals.

6. On July 20, 1989, the Board and Respondent entered into an Informal Settlement and Respondent's Iowa medical license was placed on probation for a period of five (5) years under certain terms and conditions due to substance abuse.

7. On December 28, 1989, Respondent was charged by the Board with using controlled drugs in violation of the terms of probation placed upon his Iowa medical license in the Informal Settlement entered into with the Board on July 20, 1989.

8. On April 9, 1990, the Board issued a Findings of Fact, Conclusions of Law, and Decision and Order to resolve the pending disciplinary charges. The Board concluded Respondent violated a lawful order of the Board. Respondent's Iowa medical license was suspended for thirty (30) days. Respondent was ordered to pay a \$1,000 civil penalty and the probation placed on his license was extended to five (5) years from the date of the new Order. The probation placed on Respondent's Iowa medical license was terminated by the Board on May 22, 1995, upon successful completion of the period of probation.

9. On March 12, 1992, Respondent was charged by the Board with engaging in unethical conduct when Respondent committed sexually suggestive acts upon three different patients on three separate occasions between May, 1985 and September 1991.

10. On or about July 1, 1993, the Board issued a Findings of Fact, Conclusions of Law, and Decision and Order to resolve the pending disciplinary charges. The Board concluded Respondent failed to render service with full respect for the dignity of his patients when he was completely insensitive to his non-therapeutic physical touching of his patients during lower back exams. Respondent's Iowa medical license was placed on probation for a period of five (5) years under certain terms and conditions. The probation placed on Respondent's Iowa medical license was terminated by the Board on June 4, 1998, upon successful completion of the period of probation.

11. On November 14, 2001, the Board received information indicating that Respondent has been abusing controlled substances since August, 2001.

12. On November 14, 2001, Respondent admitted to a Board investigator that he had taken controlled substances intended for his patients, for his own use on at least two occasions.

13. On November 14, 2001, Respondent provided a witnessed urine specimen for drug screen testing. The drug screen was positive for butalbital, a controlled substance.

14. From January 6 through 11, 2002, at the direction of the Board, Respondent underwent a comprehensive substance abuse evaluation under the direction of Professional Recovery Network, Addictive Disease Medical Consultants, (PRN), Waukesha, Wisconsin.

15. From January 15 through February 21, 2002, Respondent underwent residential substance abuse treatment and counseling at PRN.

SETTLEMENT AGREEMENT

16. Upon the Board's approval of this Settlement Agreement and Final Order, Respondent's Iowa medical license shall be *suspended* for a period of sixty (60) days from February 21, 2002, the date Respondent successfully completed residential substance abuse treatment at PRN.

17. Upon the Board's approval of this Settlement Agreement and Final Order, Respondent shall be assessed a civil penalty in the amount of \$5,000. The civil penalty shall be paid within 20 days thereafter by delivery of a check or money order, payable to the Treasurer of Iowa, to the executive director of the Board. The civil penalty shall be deposited into the State General Fund.

18. Upon reinstatement, Respondent's Iowa medical license shall be placed on probation for a period of five (5) years under the following terms and conditions:

- a) Prior to reinstatement of his Iowa medical license, Respondent shall contact, Deb Anglin, Coordinator of Monitoring Programs, Iowa Board of Medical Examiners, 400 SW 8th Street, Suite C, Des Moines, IA 50309-4686, Ph. #515-281-6491 to establish a monitoring program. Respondent shall fully comply with all requirements of the monitoring program.

- b) Respondent shall not consume alcohol.
- c) Respondent shall not use any controlled or prescription drug in any form unless the controlled or prescription drug has been prescribed for Respondent's use by another duly licensed treating physician or other qualified treating health care provider. Respondent shall provide the Board written notice within 72 hours of the use of any controlled or prescription drug. Respondent shall inform any treating physician or other treating health care provider of his history of substance abuse prior to receiving any prescription drug.
- d) Respondent shall submit to the Board's drug screening program to provide random blood or urine specimens. Respondent agrees to comply with all requirements of the drug screening program. Respondent shall also provide random blood or urine specimens on demand by an agent of the Board. The specimens shall be used drug and alcohol screening, all costs of which shall be paid by Respondent.
- e) Respondent shall continue aftercare treatment and counseling with the office of Charles Wadle, D.O., and Jerry Owens, as recommended by PRN until discharged from treatment and until the Respondent's discharge from treatment is approved by the Board.

- f) Respondent must arrange for Dr. Wadle and Mr. Owens to submit written quarterly reports to the Board concerning Respondent's treatment progress. The reports shall be filed with the Board not later than January 20, April 20, July 20 and October 20 of each year of the Respondent's probation.
- g) Prior to the Board's approval of this Order, Respondent shall submit to the Board for approval, the name of a physician who regularly observes and/or supervises Respondent in a practice setting to serve as Respondent's worksite monitor. The worksite monitor shall read the report provided at the conclusion of the evaluation and treatment. The worksite monitor shall provide a written statement indicating the monitor has read and understands the Board orders in this matter and agrees to act as the worksite monitor under the terms of this agreement. The worksite monitor shall inform the Board immediately if there is any evidence of substance abuse or inappropriate behavior. As a condition of approval, the worksite monitor shall agree to submit written quarterly reports to the Board concerning Respondent's progress. The reports shall be filed with the Board not later than January 20, April 20, July 20 and October 20 of each year of this Order. Said monitoring shall continue until terminated by the Board.

- h) Respondent shall file sworn quarterly reports with the Board attesting to his compliance with all the terms and conditions of this Settlement Agreement. The reports shall be filed not later than January 10, April 10, July 10 and October 10 of each year of the Respondent's probation.
- i) Respondent shall attend at least three (3) Board approved aftercare meetings (Alcoholics Anonymous or other similar organization) weekly. Respondent shall append to each quarterly, statements signed or initiated by another person in attendance at the meetings attesting to Respondent's attendance. The statement shall include the time, date and location of the meetings attended.
- j) Respondent shall make appearances before the Board or a Board committee annually or upon request. Respondent shall be given reasonable notice of the date, time and location for the appearances. Said appearances shall be subject to the waiver provisions of 653 IAC 12.6(6)(d).

19. Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in Iowa.

20. In the event Respondent leaves Iowa to reside or practice outside the state, Respondent shall notify the Board in writing of the dates of departure and return. Periods of residence or practice outside the state of Iowa will not apply to the duration of the Settlement Agreement and Final Order. Evidence that Respondent has failed to abide by the terms of

subparagraphs 18-(b), 18-(c) or 18-(i) of this Settlement Agreement and Final Order while outside the state shall constitute a violation thereof.

21. In the event Respondent violates or fails to comply with any of the terms or conditions of this Settlement Agreement and Final Order, the Board may initiate action to suspend or revoke the Respondent's Iowa medical license or to impose other license discipline as authorized in Iowa Code Chapters 148 and 272 and 653 IAC 12.2.

22. Upon full compliance with the terms of this combined Statement of Charges, Settlement Agreement and Final Order, and upon expiration of the period of probation, Respondent's Iowa medical license shall be restored to its full privileges free and clear of the terms of probation.

23. This combined Statement of Charges, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.

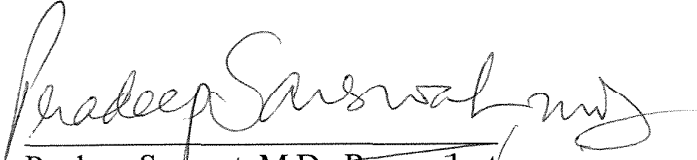
24. By entering into this combined Statement of Charges, Settlement Agreement and Final Order, Respondent voluntarily waives any rights to a contested case hearing on the allegations contained in the Statement of Charges, and waives any objections to the terms of this Settlement Agreement.

25. This combined Statement of Charges, Settlement Agreement and Final Order, is voluntarily submitted by Respondent to the Board for consideration.

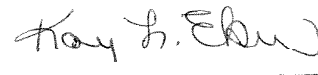
26. This combined Statement of Charges, Settlement Agreement and Final Order, is subject to approval of the Board. If the Board fails to approve this Settlement Agreement and Final Order, it shall be of no force or effect to either party.

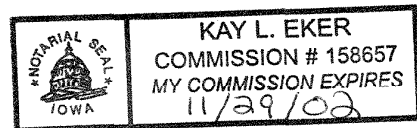
26. The Board's approval of this combined Statement of Charges, Settlement

Agreement and Final Order shall constitute a **Final Order** of the Board.


Pradeep Sariswat, M.D., Respondent

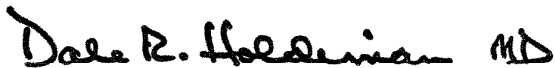
Subscribed and sworn to before me on March 8, 2002.

Notary Public, State of Iowa 



This Settlement Agreement and Final Order is approved by the Board on

April 4, 2002.

 MD

Dale R. Holdiman, M.D., Chairperson
Iowa Board of Medical Examiners
400 S.W. 8th Street, Suite C
Des Moines, IA 50309-4686